

**OFF DUTY LAW ENFORCEMENT OFFICER EMPLOYMENT****AMENDMENTS**

2017 GENERAL SESSION

STATE OF UTAH

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**LONG TITLE****General Description:**

This bill modifies the Public Safety Code regarding peace officers.

**Highlighted Provisions:**

This bill:

- modifies requirements regarding the employment of an off-duty peace officer by a security company.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53-13-114**, as last amended by Laws of Utah 2012, Chapter 196

**58-63-304**, as last amended by Laws of Utah 2013, Chapter 436

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **53-13-114** is amended to read:

**53-13-114. Off-duty peace officer working as a security officer.**

A peace officer may engage in off-duty employment as a peace officer or a security officer under Section 58-63-304 only if:

(1) the law enforcement agency employing the peace officer:

(a) has a written policy regarding peace officer employees working while off-duty as peace officers or security officers as required in Subsection 58-63-304(2); and

(b) the policy under Subsection (1)(a) is:

(i) posted and publicly available on the appropriate city, county, or state website; or

(ii) posted on the Utah Public Notice Website created in Section 63F-1-701 if the law enforcement agency does not have access to a website under Subsection (1)(b)(i)[-];

(2) the agency's chief administrative officer, or that officer's designee, provides written authorization for an off-duty peace officer to work as a peace officer or a security officer; and

(3) the business or entity employing the off-duty peace officer to work as a peace officer or a security officer complies with state and federal income reporting and withholding requirements regarding the off-duty officer's wages.

Section 2. Section **58-63-304** is amended to read:

**58-63-304. Exemptions from licensure.**

(1) In addition to the exemptions from licensure in Section 58-1-307, an individual may engage in acts regulated under this chapter without being licensed under this chapter if the individual is:

(a) a peace officer employed by~~[, or licensed as,]~~ a contract security company, as provided in Subsection (2); or

(b) employed by a contract security company for the sole purpose of operating or staffing security apparatus, including a magnetometer, magnetometer wand, x-ray viewing device, or other device approved by rule of the division.

(2) A peace officer may only engage in off-duty employment as a peace officer or as a security officer if:

(a) the law enforcement agency employing the peace officer has a written policy regarding peace officer employees working while off duty as a peace officer or as a security officer, and the written policy ~~[addresses the issue of financial responsibility]~~:

(i) requires that the employer demonstrate documentation of the employer's financial responsibility, including the employer's tax identification, and workers' compensation compliance;

(ii) requires that the off-duty peace officer and the employer establish, by contract, a liability indemnity agreement as required by the law enforcement agency; and

(iii) is available to the public as required under Subsection 53-13-114(1)(b);

(b) the agency's chief administrative officer, or that officer's designee, provides written authorization for an off-duty peace officer to work as a peace officer or as a security officer; and

63 (c) the business or entity employing the off-duty peace officer to work as a peace  
64 officer or a security officer complies with state and federal income reporting and withholding  
65 requirements regarding the off-duty officer's wages.

66 (3) In addition to the exemptions from licensure in Section 58-1-307, an individual  
67 holding a valid license as an armed private security officer under this chapter may also function  
68 as an unarmed private security officer without the additional license.

69 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
70 division may make rules approving security apparatus under Subsection (1)(b).

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**